



STATE OF WASHINGTON
PUGET SOUND ACTION TEAM
OFFICE OF THE GOVERNOR
P.O. Box 40900 • Olympia, Washington 98504-0900
(360) 725-5444 • (360) 725-5456

July 26, 2006

Jason Reichert,
Department of Ecology
PO Box 47600
Olympia, WA 98504

RE: Comments on Proposed Draft Rules for: Vessel Oil Transfer Standards (Chapter 317-40 WAC), Facility Oil Handling Standards (Chapter 173-180 WAC), and Oil Spill Contingency Plans (Chapter 173-182 WAC).

Dear Mr. Reichert:

Thank you for this opportunity to comment on the *Washington State Vessel Oil Transfer Rule, Facility Standards Rule, and the Oil Spill Contingency Plan*. The Puget Sound Action Team (PSAT) is charged by the legislature with responsibility for defining, coordinating and helping to implement Washington's environmental agenda for Puget Sound. The Action Team works within a partnership structure, including a chair appointed by the governor, directors from 10 state agencies and representatives from tribal, federal and local governments with direct responsibilities and authorities for conservation and restoration of the Puget Sound. This letter and comments are provided in my role as Director of the Puget Sound Action Team staff rather than as chair of the Action Team.

Oil spills pose a serious risk to the Puget Sound marine environment. PSAT strongly supports the goal of reaching zero spills and agrees that the best way to achieve this goal is to focus on spill prevention. The proposed draft rules on transfers, facility standards, and the contingency plan are key elements in the work to achieve this goal of zero spills. We would like to thank the Department of Ecology staff and the Oil Transfer Rule Advisory Committee for their attention to this issue and for their work in developing this draft rule.

We are generally supportive of these proposed rules, and encourage Ecology's adoption of them, however we do have some specific comments and concerns:

Proposed Vessel Oil Transfer Standards:

WAC 317-40-100 We support advance notice of at least 24 hours prior to a transfer. We are, however, concerned that companies might consistently opt for the "as soon as possible" option in the proposed rule rather than giving Ecology the full 24-hour notice. We feel that the Department of Ecology may not have the ability to respond adequately without at least 24-hour advance notice. We therefore recommend a minimum of 24-hour notice.

WAC 317-40-100 (6) We recommend only allowing the alternative measures when unsafe conditions would not prevent an effective spill clean up. If a spill cannot be captured and contained due to inclement weather or unsafe conditions then the transfer should not occur. We understand that there are safety concerns during certain weather conditions for setting and managing the pre-booming activities and that these same weather conditions would not necessarily affect the larger vessels conducting the transfer. However, if the conditions are not safe to pre-boom then the conditions would presumably be unsafe in setting the boom in the event of a spill or employing other clean up measures. We recommend that if safety concerns prevent pre-booming activities then the transfer should be postponed until weather conditions or other safety concerns subside and the pre-booming activity can commence or that alternative options only be allowed when the weather conditions would not prevent an effective and rapid response in the event of a spill.

WAC 317-40-110 (6)(b)(iii) In addition to requiring having the ability to safely track the spill in the dark or low light conditions, we recommend requiring the ability to track the spill in low visibility situations such as foggy conditions and other inclement weather conditions. If these rules allow transfers in inclement weather or foggy conditions then we need to be assured that the equipment deployed recovery efforts in the event of a spill will be effective under these conditions.

Proposed Facility Oil Handling Standards:

WAC 173-180-025 We support the application of the rule to mobile facilities, marinas and small fueling facilities. This application is necessary to update the regulations to current practices. As stated in the report to the legislature on oil transfers, mobile facilities have become much more common in recent years. Given that, it is necessary that this practice also fall within the rule requirements.

Proposed Oil Spill Contingency Plans:

WAC 173-182-310 We support incorporating unannounced drills into the planning standards for individual plans. We feel this requirement is necessary to test the effectiveness of the plans and to make adjustments prior to a crisis situation.

Finally, we appreciate the work that has gone into the development of the contingency plan rule, and the rule development process. There are benefits in protecting Puget Sound through contingency plans and their associated rules that cannot be quantified and these benefits far exceed the cost of the rule.

Thank you again for the opportunity to provide comment on these draft rules. If you have any questions, please feel free to contact Anne Criss at (360) 725-5439, or email acriss@psat.wa.gov.

Sincerely,



Brad Ack
Director